



City of NORFOLK

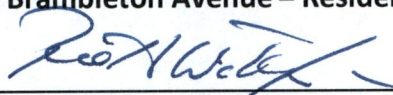
C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

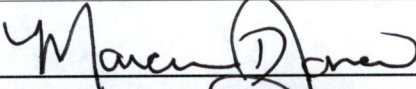
February 10, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special exception to operate an eating and drinking establishment at 227 West Brambleton Avenue – Residence Inn Norfolk**

Reviewed: 
Ronald H. Williams, Jr., Deputy City
Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-2**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – eating and drinking establishment.
- IV. **Applicant:** Linda L. Markert
- V. **Description:** This request would allow the new owner/operator of the Residence Inn Downtown hotel to continue to serve alcoholic beverages to hotel guests for on-premises consumption.

	Prior (Residence Inn)	Proposed
Hours of Operation of Hotel	24 hours a day, Seven days a week	Same
Hours for the Sale of Alcohol	10:00 a.m. until 1:00 a.m., Monday through Saturday 11:00 a.m. until 1:00 a.m., Sunday	10:00 a.m. until 11:00 p.m., Seven days a week
Seating	52 seats indoors 0 seats outdoors 54 total capacity	52 seats indoors 0 seats outdoors

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated January 22, 2015 with attachments
- Proponents and Opponents
- Ordinance



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

January 22, 2015

From: Chris Whitney *CW*
City Planning Technician

Subject: Special exception to
operate an eating and drinking
establishment at 227 West
Brambleton Avenue – **Residence
Inn Norfolk**

Reviewed: Leonard M. Newcomb III, CFM *LNN*
Land Use Services Manager

Ward/Superward: 2/6

Approved: *[Signature]*
George M. Homewood, AICP, CFM
Planning Director

Item Number: 7

I. Recommendation:

Staff recommends approval, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.

II. Applicant: Linda L. Markert

III. Description:

This request would allow the new owner/operator of the Residence Inn Downtown hotel to continue to serve alcoholic beverages to hotel guests for on-premises consumption.

IV. Analysis

The site is located Downtown at the southwest corner of West Brambleton Avenue and Boush Street.

Plan Analysis

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Downtown.

Zoning Analysis

The site is located in D-3 (Freemason/Granby Conservation and Mixed Use) and HO-D (Downtown Historic Overlay) districts, which permit the proposed use by special exception.

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Seating	52 seats indoors 0 seats outdoors 54 total capacity	52 seats indoors 0 seats outdoors

- Special exception history:

City Council Approval	Applicant	Changes
2009	Norfolk Hotel Partners, LLC	Eating and drinking establishment
Pending	Residence Inn Norfolk	New business owner and managers – eating and drinking establishment

Traffic Analysis

No additional trips are forecast.

Parking Analysis

The site is located within the D-3 zoning district, which does not require off-street parking.

V. Financial Impact

The property owner is current on all taxes.

VI. Environmental

- This site is located Downtown, which includes a mixture of commercial, office and residential uses.
- This application should have no adverse impact on the surrounding area.

VII. Community Outreach/Notification

- Legal notice was posted on the property on December 16.
- Letters were sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on December 23.
- Letters were mailed to all property owners within 300 feet of the property on January 9.
- Legal notification was placed in *The Virginian-Pilot* on January 8 and January 15.

VIII. Coordination/Outreach

This report has been coordinated with the Department of City Planning and the City Attorney's Office.

Supporting Material from the Department of City Planning:

- Proposed conditions
- Location map
- Zoning map
- 1000' radii map of similar ABC establishments
- Application
- Letters to the Downtown Norfolk Civic League and Downtown Norfolk Council

Proponents and Opponents

Proponents

Rick Henn – Representative
1400 Granby Street, Unit 407
Norfolk, VA 23510

Opponents

None

Form and Correctness Approved: 

Contents Approved: CW

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT KNOWN AS "RESIDENCE INN NORFOLK" ON PROPERTY LOCATED AT 227 WEST BRAMBLETON AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to MCRT2 Norfolk 2 Tenant, LLC authorizing the operation of an eating and drinking establishment named "Residence Inn Norfolk" on property located at 227 West Brambleton Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 246 feet, more or less, along the southern line of West Brambleton Avenue, 17 feet, more or less, along the western line of Boush Street, 277 feet, more or less, along the northern line of York Street, and 88 feet, more or less, along the eastern line of Duke Street; premises numbered 227 West Brambleton Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages shall be limited to 10:00 a.m. until 11:00 p.m., seven days per week.
- (b) The seating for the establishment shall not exceed 52 seats indoors and no seats outdoors.
- (c) No alcoholic beverages shall be sold to any person who is not a registered guest of the hotel. The seller shall require the purchaser to produce a hotel key or other form of identification sufficient to determine that the purchaser is a hotel guest unless the consumption occurs in the

seating areas.

- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (i) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in

"Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) There shall be no entertainment, no dancing, and no dance floor provided.
- (l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing

such use; and

- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting operation of an eating and drinking establishment on this property, adopted on April 28, 2009 (Ordinance No. 43,427), and all provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (3 pages)



EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 11/13/14

Trade name of business RESIDENCE INN DOWNTOWN

Address of business 227 W BRANFLET AVENUE

Name(s) of business owner(s)* MCR T22 TOWNHALL AVE

Name(s) of property owner(s)* RICHARD MORSE - MCR T22 NORFOLK 2 LLC
LINDA MARKET

Daytime telephone number () 757 442-6216

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales
Weekday From <u>6 A</u> To <u>6 AM</u>	Weekday From <u>10 AM</u> To <u>1 PM</u>
Friday From <u>6 A</u> To <u>6 AM</u>	Friday From <u>10 AM</u> To <u>1 PM</u>
Saturday From <u>6 A</u> To <u>6 AM</u>	Saturday From <u>10 AM</u> To <u>1 PM</u>
Sunday From <u>6 A</u> To <u>6 AM</u>	Sunday From <u>10 AM</u> To <u>1 PM</u>

2. Type of ABC license applied for (check all applicable boxes)

☒ On-Premises ☐ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for

☒ Beer ☒ Wine ☐ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?

(Entertainment consists of anything more than one, unamplified musician)

☐ Yes (Different application required) ☒ No

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☒ No

7a. If yes, explain

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

8a. If yes, explain

9. Will there ever be a minimum age limit?
☐ Yes ☒ No

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Exhibit A – Page 3
Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

Residence Inn Norfolk
227 West Brambleton Avenue
Conditions

- (a) The hours of operation for the sale of alcoholic beverages shall be from 10:00 a.m. until 11:00 p.m., seven days a week.
- (b) The seating for the establishment shall not exceed 52 seats indoors and no seats outdoors. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (c) No alcoholic beverages shall be sold to any person who is not a registered guest of the hotel. The seller shall require the purchaser to produce a hotel key or other form of identification sufficient to determine that the purchaser is a hotel guest unless the consumption occurs in the seating areas.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

- (i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) There shall be no entertainment, no dancing, and no dance floor provided.
- (l) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Location Map

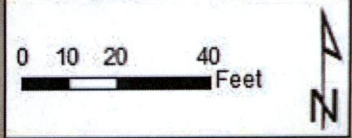
W BRAMBLETON AVENUE

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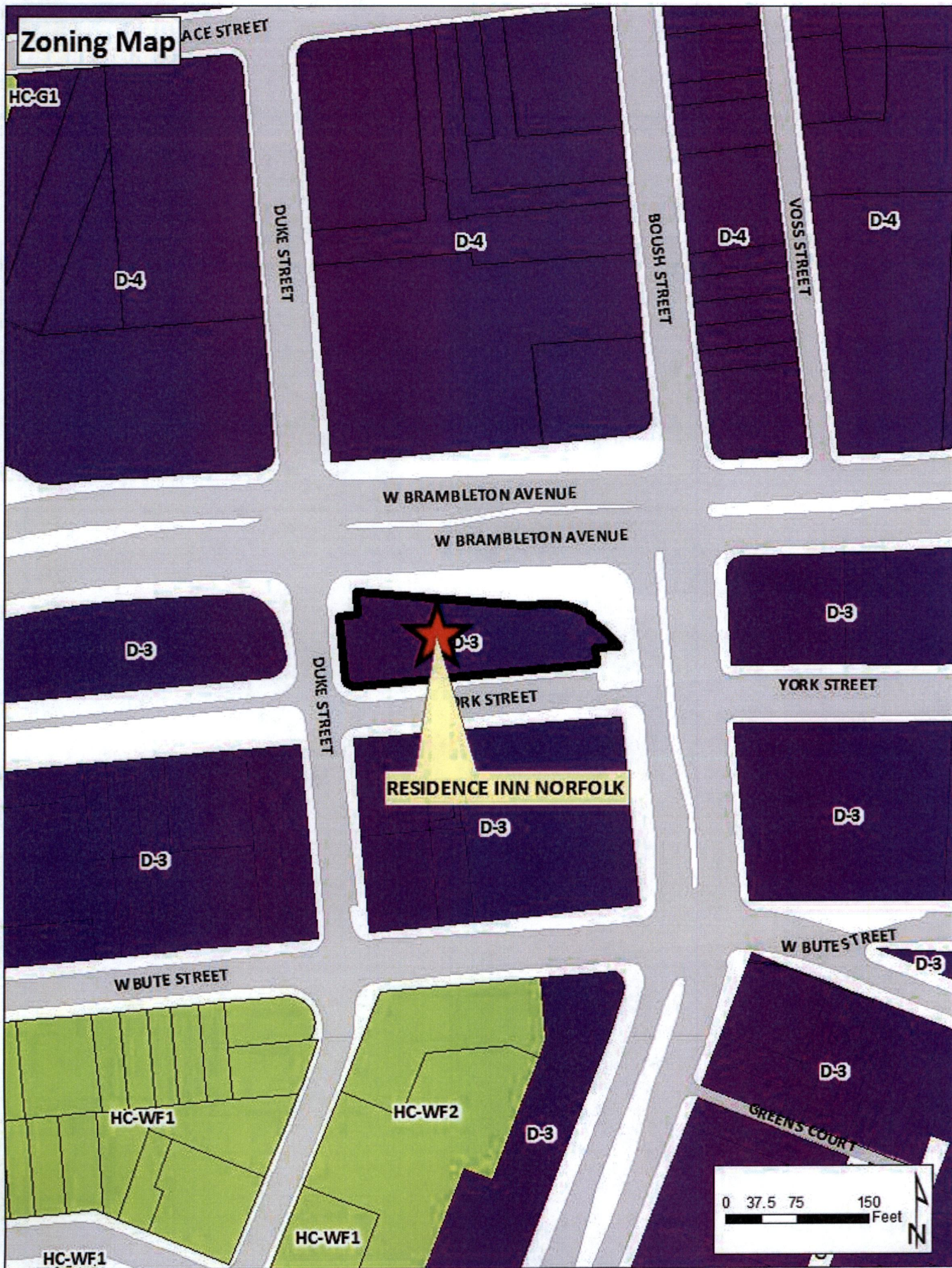


YORK ST
RESIDENCE INN NORFOLK

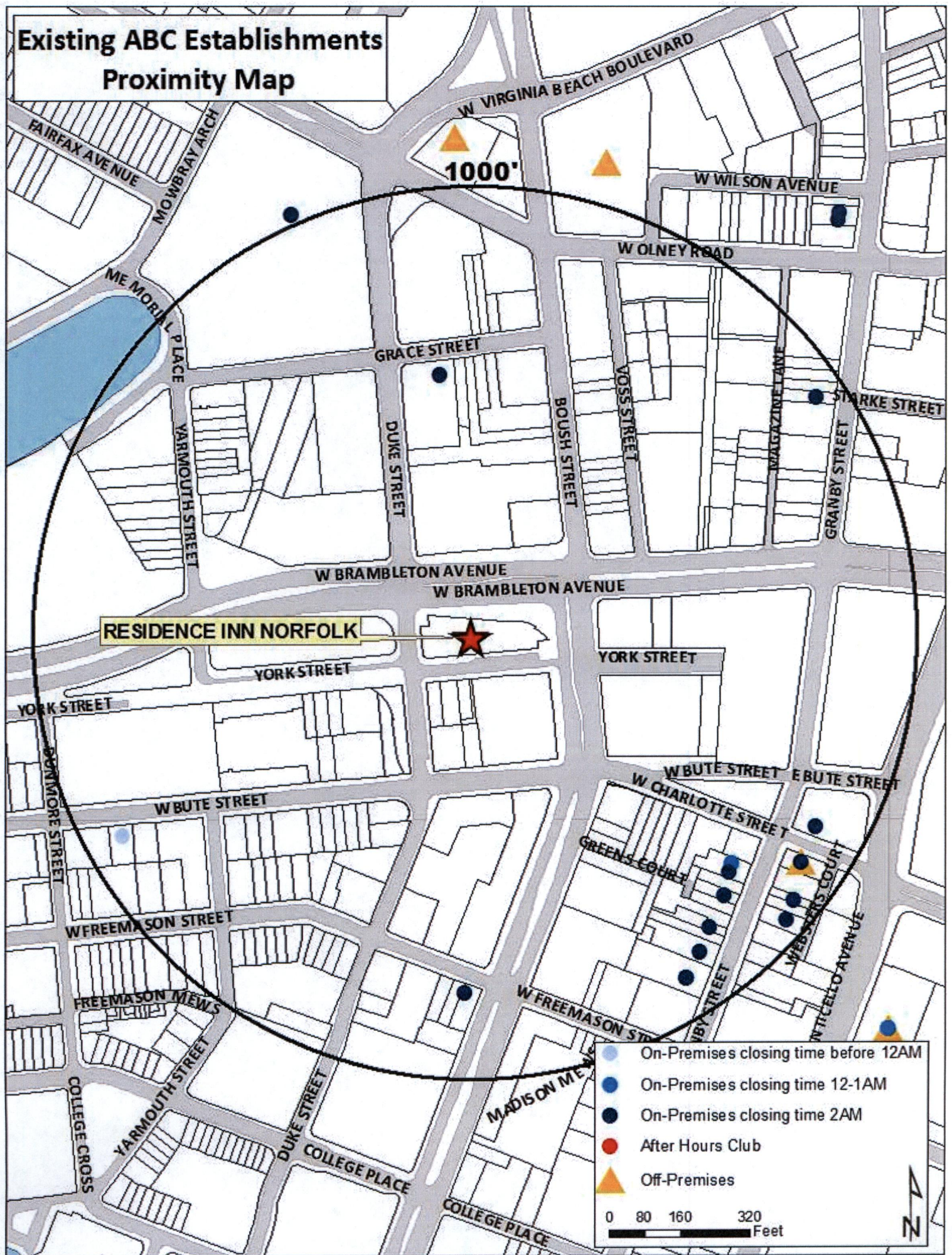
DUKE STREET



Zoning Map



Existing ABC Establishments Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)**

Date 11/13/14

DESCRIPTION OF PROPERTY

Address 227 Brambleton

Existing Use of Property RESIDENCE INN DOWNTOWN - HOTEL

Proposed Use SAME

Current Building Square Footage _____

Proposed Building Square Footage _____

Trade Name of Business (if applicable) RESIDENCE INN DOWNTOWN - HOTEL

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) MARKETT (First) Linda (MI) L

Mailing address of applicant (Street/P.O. Box) 227 West Brambleton

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 642-6216 Fax number (757) 642-6217

E-mail address of applicant Linda.Market@mamott.com

2. Name of property owner (Last) MCR2 NORFOLK 2 TENANT, LLC (First) _____ (MI) _____

Mailing address of property owner (Street/P.O. Box) 1021 Long Premier Rd

(City) Tower Mound (State) TX (Zip Code) 75022

Daytime telephone number of owner () _____ Fax number () _____

972-355-6751

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(Revised July 2013)

CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ inch X 14 inch copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - All existing and proposed structures,
 - Driveways,
 - Parking,
 - Landscaping,
 - Property lines (see attached example).
- ✓ Two 8½ inch X 14 inch copies of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Linda Markert Sign: [Signature] 11/13/14
(Property Owner or Authorized Agent Signature) (Date)

Print name: Rick Henry Sign: [Signature] 11/12/14
(Applicant or Authorized Agent Signature) (Date)

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EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 11/13/14

Trade name of business Residence Inn Downtown

Address of business 227 W Brampton Ave

Name(s) of business owner(s)* MCR 227 G West Ave

Name(s) of property owner(s)* Richard Mense - MCR 227 Norfolk LLC
LIARDA MARKET

Daytime telephone number () 757 842-6216

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility		Alcoholic Beverage Sales	
Weekday	From <u>6 A</u> To <u>6 A</u>	Weekday	From <u>10 AM</u> To <u>1 PM</u>
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2. Type of ABC license applied for (check all applicable boxes)

☒ On-Premises ☐ Off-Premises (additional application required)

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Exhibit A – Page 2
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Exhibit A – Page 3
Eating and Drinking Establishment

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Signature of Applicant

**Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)

Number of bar seats

Standing room

52
/
0
N/A

b. Outdoor

Number of seats

0

c. Number of employees

43

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = N/A

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(Revised July 2013)



December 23, 2014

Kevin Murphy
President, Downtown Norfolk Civic League
P.O. Box 3655
Norfolk, VA 23514

Dear Mr. Murphy,

The Planning Department has received an application for a special exception to operate an eating and drinking establishment at 227 W. Brambleton Avenue. This item is tentatively scheduled for the January 22, 2015 City Planning Commission public hearing.

Summary

This request would allow the new owner/operator of the Residence Inn Downtown hotel to continue to serve alcoholic beverages to its patrons for on-premises consumption.

	Prior (Residence Inn)	Proposed
Hours of Operation	24 hours a day, Seven days a week	Same
Hours for the Sale of Alcohol	10:00 a.m. until 1:00 a.m., Monday through Saturday 11:00 a.m. until 1:00 a.m., Sunday	10:00 a.m. until 12:00 a.m., Seven days a week
Seating	52 seats indoors 0 seats outdoors 54 total capacity	Same

If you would like additional information on the request, you may contact the applicant, Linda Markert, at (757) 842-6216 or you may contact me at chris.whitney@norfolk.gov, or (757) 823-1253. A copy of the complete application is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Whitney".

Chris Whitney,
City Planning Technician

cc: Oneiceia Howard, Senior Neighborhood Development Specialist
Oneiceia.Howard@norfolk.gov or (757) 664-6761



City of NORFOLK

December 23, 2014

Mary Miller
President, Downtown Norfolk Council
201 Granby Street, Suite 101
Norfolk, VA 23510

Dear Ms. Miller,

The Planning Department has received an application for a special exception to operate an eating and drinking establishment at 227 W. Brambleton Avenue. This item is tentatively scheduled for the January 22, 2015 City Planning Commission public hearing.

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Sincerely,

Chris Whitney,
City Planning Technician

cc: Oneiceia Howard, Senior Neighborhood Development Specialist
Oneiceia.Howard@norfolk.gov or (757) 664-6761